

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Mark B. Mumley, :
Petitioner, :
: :
v. : File No. 2:06-CV-145
: :
Robert Hofmann, :
Respondent. :
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed January 11, 2007. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The petitioner's writ of habeas corpus (Paper 1), filed pursuant to 28 U.S.C. §2254, is DISMISSED without prejudice. In addition, petitioner's motion for summary judgment (Paper 3) is DENIED and the motion for extension of time (Paper 10) is **DENIED**.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further

proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

THIS CASE IS CLOSED.

Dated at Burlington, in the District of Vermont, this 29th day of January, 2007.

/s/ William K. Sessions III
William K. Sessions III
U. S. District Judge